

SN. 10/046,655

ATTORNEY DOCKET NO. MATS:035

REMARKS

Claims 1 and 2 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 1 and 2 have been amended clarify that the "gas" refers to the coolant gas in the compressor. No new matter has been introduced.

Art Rejection

Claims 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over Esumi (USP 6,413,061) in view of Woll (USP 2,508,207), and claim 2 was rejected under § 103(a) further in view of Peters (USP 5,173,629). Applicants traverse these rejections because 1) there would not have been any motivation for the combination and 2) even if the combination were deemed proper for argument's sake, the combination would not have taught the claimed passages for the coolant gas.

Claim 1 features first and second coolant gas passages having a particular configuration for passage of compressed coolant gas discharged from the compressing element within its hermetic container. The examiner acknowledged that Esumi does not disclose or teach the claimed gas passages. Thus, the rejection relies on Woll for the proposition that it would have been obvious for the Esumi to have the claimed gas passage configuration.

First, applicants submit that the combination urged by the examiner would not have been tenable because Woll merely discloses passages for ventilating and cooling a non-hermetic motor. Woll's passages are for flowing air to cool the motor. In contrast, Esumi discloses a hermetic compressor. Accordingly, one of ordinary skill in the art would not have been motivated to look to Woll for improving Esumi's compressor.

Second, even if the combination were deemed proper for argument's sake, Woll would have merely taught cooling the motor using the passages rather than relieving coolant gas to the ambient in a hermetic compressor. Accordingly, the combination would not have taught the

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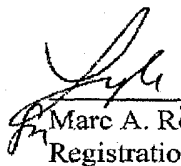
claimed coolant gas passage configuration. Peters would not have alleviated the shortcomings of the combination.

Conclusion

Applicants submit that claims 1 and 2 patentably distinguish over the applied references and thus urge the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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ATTACHMENT  
MARKED UP VERSION

## IN THE CLAIMS:

*Claims 1 and 2 have been amended as follows:*

--1. (Twice Amended) A hermetic motor-driven compressor comprising:

a compressing element;

a motor element for driving said compressing element, said motor element having at least one linear section formed along an outer circumferential surface thereof and at least one through hole disposed in the vicinity of the outer circumference;

a substantially cylindrical hermetic container in which said compressing element and said motor element are axially arranged and housed;

a first coolant gas passage formed by a space between said linear section along the circumferential surface of said motor element and an inside wall surface of said hermetic container, and allows passage of compressed coolant gas discharged from said compressing element within said hermetic container; and

a second coolant gas passage formed parallel with said first coolant gas passage that allows passage of compressed coolant gas, said second coolant gas passage comprising the through hole in said motor element,

wherein the through hole in said motor element constituting said second coolant gas passage is disposed outside of a smallest circle that is inscribed along the linear section formed in said motor element and is concentric with said motor element.

2. (Amended) The hermetic motor-driven compressor as set forth in Claim 1, wherein the through hole constituting said second coolant gas passage is shaped like a bow, an outer periphery of the bow shape is like an arch that has a curvature larger than a curvature of the outer circumference of said motor element, and an inner periphery of the bow shape is like one of a line and an arc that has a radius larger than a radius of the inscribed circle.--